

## REMARKS/ARGUMENTS

Examiner Saltarelli is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and amended, and are considered to be in condition for allowance.

5           Reconsideration of the rejection under 35 USC §102(b) of Claims 23, 46, 91, and 114 as being anticipated by U.S. Patent 5,996,015 (Day) is requested in light of the following arguments.

          Day does provide a data pump that stores multimedia files, or multimedia assets and delivers the multimedia assets to a client. The data pump being  
10   arranged to play a file to a client across a network. Day does not provide:

          a segmentation apparatus in communication with the plurality of digital data file storage devices, which, at a request of any of the digital data files, dynamically fragments any requested digital data file into a plurality of segments to facilitate transfer to and processing by at least  
15   one of the computing systems of said segments. (Claim 23, Lines 7-11)

          a segmentation apparatus in communication with the plurality of digital video data file storage devices, which, at a request of any of the digital video data files, dynamically fragments any requested digital video  
20   data file into a plurality of segments to facilitate transfer to and

processing by at least one of the second computing systems of said  
segments.(Claim 91, Lines 2-12)

The segments of Day are the programs or segments of a program or  
programs that is identified by a user (Col. 6 Lines 26-64). The segments of the  
5 programs are concatenated for streaming to the user. The segmentation  
apparatus of the present invention dynamically divides or fragments a digital data  
file especially a digital video data file into segments for more efficient storage to  
facilitate transfer of the data files to a second computer system (user) for display.  
There is no description in Day of the dynamic segmentation of the data files to  
10 facilitate transfer of the data files.

Reconsideration of the objection to the specification because of  
informalities on Page 1 is requested. The specification has been amended to  
incorporate the corrections requested by the examiner. The Section **Related**  
**Patent Applications** has been amended to incorporate the serial numbers and  
15 filing dates of the co-pending related applications.

Reconsideration of the objection to Claims 1, 24, 47, 69, because of  
informalities is requested. The Claims have been amended to incorporate the  
corrections requested by the examiner.

The related art references made of record and not relied upon have been  
20 reviewed and it is agreed that they do not suggest the present detailed claimed  
invention.

The Applicant acknowledges that Claims 1-22 and 47-90 are allowed and that Claims 24-45 and 92-113 would be allowed if not dependent upon rejected base claims. The Applicant believes that the base Claims 23 and 46 are allowable in light of the above arguments. Applicant respectfully requests that a  
5 timely Notice of Allowance for all claims be issued in this case.

It is requested that should Examiner Saltarelli not find that the Claims are now allowable, that the undersigned be called at (845) 452-5863 to overcome any problems preventing allowance.

Respectfully Submitted,  
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